

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MANUFACTURERS & TRADERS TRUST)	
COMPANY,)	Case No. 1:05-CV-02534
)	
Plaintiff,)	JUDGE ANN ALDRICH
)	
v.)	
)	
RONALD SALAZAR, et al.,)	
)	<u>ORDER</u>
Defendants.)	
)	

Before the court is plaintiff Manufacturers & Traders Trust Company's ("M&T") motion for default judgment [Docket No. 28], against Ronald Salazar and Beth Salazar as described in the complaint, to foreclose the lien of the mortgage securing the obligation of such note upon the real estate described herein, and to require all parties to set up their claims to the real estate or be barred.

The court finds that defendants Ronald Salazar ("Salazar"), Beth Salazar and Providian Financial Services are in default of motion or answer. The clerk's entry of default was filed herein on September 21, 2006.

Accordingly, the court finds the allegations contained in the complaint to be true, including that there is due and owing to M&T from Ronald Salazar and Beth Salazar, upon the subject note, the principal balance of \$138,965.75, for which judgment is hereby rendered in favor of M&T, with interest at the rate of 7.0 percent per annum from April 1, 2005.

The note is secured by the mortgage held by M&T, which mortgage constitutes a valid and first lien upon the following described premises (the "Property"):

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being Sublot No. 15 in Echo Lake Subdivision No. 2, of part of Original Strongsville Township Lot Nos. 63, 64, 77 and 78, as shown by the recorded plat in Volume 218, page 5 and

re-recorded in Volume 225, page 102 of Cuyahoga County Records and being 75 feet front on the Northeasterly side of Walnut Creek Drive and extending back of equal width 130 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel Number: 393-29-043

Commonly known as: 16015 Walnut Creek Drive, Strongsville, Ohio

Finding as true the allegations contained in M&T's complaint, the court finds that the mortgage was filed for record on March 1, 1999, and recorded as Instrument Number 199903010864 in the Cuyahoga County Recorder's Office; that the mortgage, together with the note, was assigned to M&T by an Assignment of Mortgage filed for record on March 8, 2006 as Instrument Number 200603080027 in the Cuyahoga County Recorder's Office; that the conditions of said mortgage have been broken; and that M&T is entitled to have the equity of redemption of the defendants-titleholders foreclosed.

The court further finds that defendant Palisades Collection, LLC claims some right, title, interest, or lien upon the premises described herein, and has set forth its claims in its pleadings filed herein, but that any right, title, interest, or lien that it may have is inferior and subsequent to the lien of M&T.

The court makes no finding as to the right, title, interest, or lien of said defendant as set forth in its pleadings filed herein, except to note that, by agreement of the parties, such right, title, interest or lien of the above named defendant is hereby ordered transferred to the proceeds derived from the sale of said premises, after the payment of the costs of the within action, taxes due and payable and the amount herein above found due to M&T.

It is therefore ordered that unless the sums hereinabove found to be due to M&T, and the costs of this action, be fully paid within ten (10) days from the date of the entry of this decree, the equity of redemption of the defendants-titleholders in said real estate shall be foreclosed and the real estate sold, free and clear of the interest of all parties herein.

IT IS SO ORDERED.

/s/Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: November 3, 2006